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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,456

03/24/2006

Takaki Kanbara

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38834 7590 08/08/2007
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EXAMINER

LISTVOYB, GREGORY

ART UNIT

PAPER NUMBER

1711

MAIL DATE

DELIVERY MODE

08/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,456

Applicant(s)

KANBARA ET AL.

Examiner

Gregory Listvoyb

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

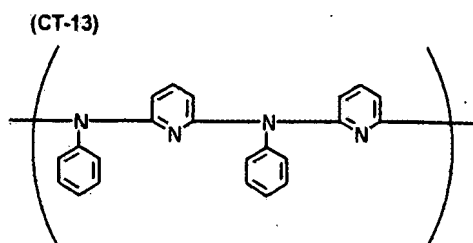
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/24/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION***Election/Restrictions***

Applicant's election with traverse of 5/15/07 in the reply Office3 Action filed on 4/18/2007 is acknowledged. The traversal is on the ground(s) that the Examiner does not specify how the claimed invention is disclosed. This is not found persuasive because JP 2004-184569 discloses the structure (CT-13, line 0049) (see below), which is fully anticipated by the Structure (1) of Claim 1:



In addition, Doi's polymer (see Structure 3 below) also anticipates the polyaminopyridine structure, presented in the Claim 1.

Therefore, requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

Claims 1 and 2 rejected under 35 U.S.C. 102(a) as being anticipated by Takatani et al (JP 2004-184569) herein Takatani.

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Takatani teaches macromolecules, having repeating units of Structure CT-13, which is identical to one claimed in Claims 1 and 2 (see Structure CT-13 above).

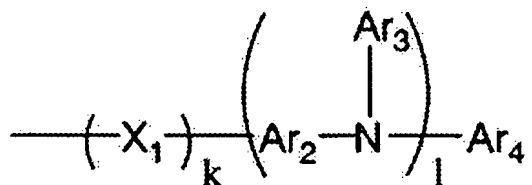
Takatani discloses that molecular weight of his compound is within the range of 1000-5000 (see line 0041).

Claim Rejections - 35 USC § 102/103

Claims 1-6 rejected under 35 U.S.C. 102/103 as being unpatentable over Doi et al (US 2003/0064247) herein Doi.

Note that Foreign priority date is not considered until it is not perfected with Certified Translation.

Doi discloses a polymeric substance of the following structure (3):



where Ar₂ represents an arylene group or a divalent heterocyclic compound group; Ar₃ represents an aryl group or a monovalent heterocyclic compound group (lines 0009 and 0010).

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Doi teaches Ar2 and Ar3 can be represented by the divalent heterocyclic compound by such as pyridinedyl group (see line 0023) or phenyl or naphthyl, or anthryl groups (see line 0021). Therefore, in case if Ar2= pyridinedyl group and Ar3= pyridinedyl group or phenyl group Doi's structure is inherently equal to a polyaminopyridine of Claim 1.

Doi teaches a molecular weight of 5000 for one of his structures (see Example 1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Listvoyb whose telephone number is (571) 272-6105. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory Listvoyb
Examiner
Art Unit 1711

GL



James J. Seidleck
Supervisory Patent Examiner
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